



CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



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Unified Program Newsletter January 2008

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Final Draft Inspection & Enforcement Guidance Posted

After 9 months of hard work, the UPAAG Inspection & Enforcement Steering Committee's I&E Guidance Workgroup has completed the final draft of the Guidance Document of Inspection and Enforcement. It is posted on the new Inspection and Enforcement Resources web page at <http://www.calepa.ca.gov/CUPA/Resources/>. The guidance document is the result of a great deal of research and effort and provides a standard guidance for I&E programs statewide. There will be a session at the 2008 CUPA Training Conference next month that goes through the guidance in some detail.

2008 CUPA Training Conference Next Month

The 2008 CUPA Training Conference is on February 4-7, 2008 in Burlingame at the Hyatt Regency. The theme for this year is "A Decade of Excellence", for the 10th anniversary, and it should be every bit as impressive as past conferences. The conference will feature 7 concurrent training tracks with 85 classes and panel discussions. If you haven't signed up yet, it's time to do so! Go to: <http://www.calcupa.net/> and select the 2008 Conference Information.

Aboveground Petroleum Storage Act (APSA)

APSA became law on January 1, 2008 and the CUPAs are now the implementing agencies for the state's aboveground petroleum storage tank program. Cal/EP has put up an APSA web page with information about the program requirements, scope and startup funding. CUPAs are now eligible to apply for the startup grants. Visit the site at <http://www.calepa.ca.gov/CUPA/> and select the "Aboveground Petroleum Storage Act" from the left menu. Additionally, Cal/EPA will be using its Listserve and bulletins to update the regulators and the regulated community on program requirements. You may sign up for the Listserve at the same web site.

New Forms Effective January

The new UP Consolidated Forms for Business Activities, Business Owner/Operator Identification, UST Facility, UST Tank, UST Installation/Modification, UST Monitoring Plan, and Annual Summary Report Forms 3, 4, and the now Semi-annual Summary Report Form 6 become effective on January 17, 2008. The modified UPCFs may be incorporated into CUPA programs after that date and must be incorporated into CUPA programs in time to collect information for the fiscal year 2008/09. The new Summary reports may be used by CUPAs for this next reporting cycle and are mandatory for the September 2009 reporting cycle. The new forms will be posted on our web site at <http://www.calepa.ca.gov/CUPA/Publications/> in the next few weeks.

Department of Toxic Substances Control

CUPA Conference Electroplating Facility Inspection Tutorial: Pre-Registration

Staff who plan to attend the Electroplating Facility Inspection Tutorial (February 4, 2008 from 8-10 am) at the 2008 CUPA Conference must pre-register for the class by sending an email to ccarr@dtsc.ca.gov. Pre-registration is required since demand for the class is expected to exceed the number of seats available. Visit <http://www.calcupa.net/conference/2008/index.html> for a description of the course.

Treated Wood Waste

DTSC announces that the new Treated Wood Waste Tracking System (TWWTS) became available online on December 21, 2007. The online system has been developed for Treated Wood Waste (TWW) facilities (e.g., facilities that are authorized to accept TWW, not generators) to comply with the reporting requirements in the Alternative Management Standards (AMS) for Treated Wood Waste regulations. The regulations require that TWW facilities report on the TWW that they have received the previous 6 months. The deadline for the July 1 through December 31, 2007 period is January 30, 2008. Presently the TWWTS is accepting data from the facilities, but reports from the TWWTS will not be available until spring 2008 to CUPAs staff.

Also, during the second week of January 2008, DTSC will post at DTSC's TWW website a new online fact sheet: **Requirements for Generators of Treated Wood Waste (TWW)**. The fact sheet was written to assist TWW generators (household, incidental business and routine business generators) in comprehending the new Alternative Management Standards for Treated Wood Waste requirements. Also provided in the factsheet are: frequently asked questions, link to the TWW notification form, and link to the listing of authorized TWW landfills within California.

To find the links to the items stated above and to obtain more information visit our DTSC TWW website at http://www.dtsc.ca.gov/HazardousWaste/Treated_Wood_Waste.cfm, or contact DTSC at ttww_help@dtsc.ca.gov or call (916) 324-0064.

New Requirements of Senate Bill 774

Senate Bill (SB) 774 (Stats. 2007, ch. 659) amends the Toxics in Packaging Prevention Act, also known as Assembly Bill (AB) 455, (Stats. 2003, ch. 679). The law was amended by AB 2021 (Stats. 2004, ch. 445), and took effect on January 1, 2006. In general, the law now bans selling or promoting packaging that contains one or more specified heavy metals: lead, cadmium, and mercury or hexavalent chromium, if the metals have been *intentionally introduced* during manufacture or distribution. However, this law allows selling or promoting packaging containing those metals if their combined presence is *incidental to the manufacturing or distribution, and is not more than 100 parts per million (ppm) by weight*.

The law allows for certain packaging to qualify for one or more specified exemptions which are found in Health and Safety Code section 25214.14. SB 774 amends Health and Safety Code section 25214.15 by adding subsection (k) which prohibits a glass bottle with paint or applied ceramic decoration (by a process known as vitrification) from qualifying for an exemption if the paint or decoration contains lead or lead compounds in excess of 0.06% by weight.

The glass bottles that are of particular concern are manufactured outside of the United States and the beverages contained in them are becoming increasingly popular in California. The problem of lead contamination on various brands of glass soda bottles manufactured outside of California represents a health risk to the consumers of this state due to the high levels of lead in the bottle decoration or label. Lead is added to paint to speed drying, increase durability, retain a fresh appearance, and resist moisture. However, lead is a carcinogen and neurotoxin. Human exposure to lead causes severe developmental and learning disabilities in young children. In adults, lead toxicity can produce high blood pressure, effect blood production and impair kidney function.

By changing the definition of a crime, this bill would impose a state-mandated local program. Any exemptions to this law sunset in January 2010.

SB 774 amended Health and Safety Code section 25214.16 (a) so that on or after January 1, 2006, each manufacturer or supplier shall furnish a certificate of compliance to the purchaser of a package or packaging component, *even when the purchaser is also a supplier*, stating that the package or packaging component is in compliance with the requirements of the law.

For more information, please go to our website: <http://www.dtsc.ca.gov/ToxicsInPackaging>

Governor's Office of Emergency Services

Area Plan - Pesticide Drift – SB 391 Update

- Regulations have been submitted to OAL
- Notice of Proposed Amendment of Regulations published in Z-Register on August 24,, 2007
- Public Comment ended October 12, 2007
- Addressed Public Comments
- OES Legal preparing final package for OAL
- Available on OES Website
 - * Notice of Proposed Amendment
 - * Initial Statement of Reasons
 - * Existing regulations
 - * Proposed regulations in underline/strikeout format
 - * Guidance documents from OES and DPR
 - * Sample Area Plan
 - * Final Statement of Reasons

Contact - Jack Harrah (916) 845-8759 or Jack_Harrah@oes.ca.gov

Section 100 - Forms Update

- July 2007 originally submitted a Title 19 forms (Business Activities, Owner/Operator, & Inventory) amendment package to OAL mirroring Title 27 Unified Program Consolidated Forms amendment package submitted to OAL
- Withdrew original submittal because Cal/EPA submittal not finalized
- Title 27 amendments approved by OAL and filed with the Secretary of State on December 18, 2007
- Submitted new package to OAL January 8, 2008

Contact - Brian Abeel - (916) 845-8768 or Brian_Abeel@oes.ca.gov

HMEP Grant

- First quarterly (¼) report due January 15, 2008
- Ronald Olguin - HMEP coordinator - (916) 845-8765 or Ronald_Olguin@oes.ca.gov
- Call him if you have any HMEP questions (Documentation, reimbursement, guidelines, etc.)

Evaluations

- OES is conducting Farm and non-farm Business Plan Oversight Inspections to ensure farms and non-farms are being inspected consistently

Haz Mat Team Typing Surveys

- OES Fire & Rescue Haz Mat is conducting Haz Mat Team Typing inspections of Haz Mat Teams in the State of California to determine if they qualify for one of the three types to provide Haz Mat Mutual Aid in the state
- Haz Mat Companies Surveyed so far
 - * Roseville
 - * Sacramento (Sac City & Sac Metro)
 - * Contra Costa
 - * Solano
 - * Fresno

Contact - Jan Dunbar - (916) 845-8483 or Jan_Dunbar@oes.ca.gov

State Water Resources Control Board

Clarification of Existing Regulations for Under-Dispenser Containment Letter

On December 21, 2007 the State Water Board sent out a letter to CUPAs titled Clarification of Existing Regulations for Under-Dispenser Containment. In the letter, it is noted that it has come to our attention that there have been instances of incorrect application of under-dispenser containment (UDC) regulations when owners or operators are installing or replacing dispensers. The attached letter clarifies existing regulations for UDC.

UST Program Contacts: Laura Fisher-Chaddock (lchaddock@waterboards.ca.gov; 916-341-5870) and Donielle Jackson (djackson@waterboards.ca.gov; 916-341-5863).

USEPA Region 9 Advanced UST Inspector Workshop

The EPA Underground Storage Tanks Program Office in Region 9 is hosting an Advanced UST Inspector Workshop on May 21st and 22nd in Las Vegas, Nevada. The USTPO enthusiastically encourages inspectors from the Tribal, State and Territorial Lands in Region 9 to attend. This workshop is intended to cover the most applicable and challenging aspects of what UST Inspectors must address in the field as they conduct compliance inspections of underground storage tanks. The Region welcomes ideas of what topics are most important to inspectors. Please contact Mary Keil with any ideas or questions.

USEPA Contact: Mary Keil (keil.mary@epa.gov; 415-972-3365).

CUPA Quarterly Reporting (Report 6)

For the April - June 2007 quarter, 101 CUPAs and PAs (100% of the 101 CUPAs/PAs) submitted quarterly reports (Report 6, Title 27 regulations). Great job by all of you. UST inspections for Significant Operational Compliance (SOC) totaled 4,508, compared to the previous quarter's 3,576 inspections. Local agencies reported that 72% of inspected facilities were in SOC with release detection requirements, 76% were in SOC with release prevention requirements, and 68% were in SOC with both release detection and release prevention requirements.

As of March 30, 2007, there were 15,429 UST facilities; 36,606 active and 125,191 closed petroleum USTs; and 2,933 active and 20,645 closed hazardous substance USTs. At the end of the April - June 2007 quarter, the following UST or facility numbers were reported: 226 fewer petroleum USTs, 17 fewer hazardous substance USTs, and 118 fewer UST facilities.

UST Program Contact: Terry Snyder (tsnyder@waterboards.ca.gov; 916-341-5385).

Red Tag Quarterly Reporting

For the April - June 2007 quarter, 5 CUPAs issued 7 Red Tags [Humboldt (1), Imperial (1), Lake (3), San Luis Obispo (1), and Santa Cruz (1)]. The specific violations cited were as follows:

- 1) 5 violations for conditions at the UST facility threaten to cause a liquid release (Ch. 16, Sec. 2637 and 2635(b)(1))
- 2) 1 violation for conditions at the UST facility impair the ability to detect a leak (Ch.16, Sec. 2642)
- 3) 1 violation for a chronic violation (Ch. 16, Sec. 2711)

UST Program Contact: Terry Snyder (tsnyder@waterboards.ca.gov; 916-341-5385).

Status of Proposed UST Rulemaking

The Office of Administrative Law has accepted the proposed UST Rulemaking package, which will become effective January 17, 2008. Staff submitted the Title 23 rulemaking package adopted by the Board on October 2, 2007, to OAL on November 1, 2007. This submittal was coordinated with Cal/EPA, so that both the Title 23 and the Title 27 proposed revisions were submitted to OAL at the same time.

The web link for the Title 23 rulemaking package is:

http://www.waterboards.ca.gov/ust/regulatory/rulemaking/regs_proposed.html

The web link for the Title 27 rulemaking package is:

<http://www.calepa.ca.gov/LawsRegs/ProposedRegs/UPCF/Default.htm>

UST Program Contact: Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645).

UST Cleanup Training

The SWRCB sponsors training for local and state inspectors who oversee investigation and remediation at UST leak sites. The following courses will be offered through UC Riverside Extension during the fall and winter of 2007-08:

UC Irvine Learning Center in Orange

Subsurface Modeling: Feb. 26

Risk Assessment: Feb. 27-28

UCR Palm Desert Campus

Subsurface Modeling: March 25

Risk Assessment: March 26-27

Please visit <http://www.extension.ucr.edu/sciences/ust/> to register for these classes on the UC Riverside website.

UST Program Contact: Terry Brazell (tbrazell@waterboards.ca.gov; 916-341-5645).